



## AGENDA

Planning Commission Meeting  
Monday July 26, 2021  
7:00 pm  
Gardner City Hall  
120 E. Main Street

### CALL TO ORDER

### PLEDGE OF ALLEGIANCE

### ROLL CALL

### CONSENT AGENDA

All matters listed within the Consent Agenda have been distributed to each member of the Planning Commission for study. These items are considered to be routine and will be enacted upon by one motion with no separate discussion. If separate discussion is desired on an item, from either the Planning Commission or from the floor, that item may be removed from the Consent Agenda and placed on the Regular Agenda.

1. Standing approval of the minutes as written for the meeting on June 28, 2021

### REGULAR AGENDA

#### 1. Treadway Apartments

Located at the southeast corner of I-35 and 175th Street approximately 2000' south of 175th Street

- a. **Rezoning (Z-21-03):** Hold a public hearing and consider a rezoning for 2.12 acres from C-3 to R-3 District.
- b. **Site Plan (SP-21-03):** Consider a site plan for Treadway Apartments, a 34 acre, 424 unit apartment complex
- c. **Preliminary Plat (PP-21-03):** Consider a preliminary plat for a one lot, 34 acre subdivision.
- d. **Final Plat (FP-21-04):** Consider a final plat for a one lot, 34 acre subdivision.

#### 2. Cypress Creek

Located between 167<sup>th</sup> Street and Madison Road just north of Gardner Edgerton High School.

- a. **Rezoning (Z-21-04):** Hold a public hearing and consider a rezoning for 98.59 acres from RUR (County) to RP-2 for a 289 lot single family detached-neighborhood subdivision.
- b. **Preliminary Development Plan (PDP-21-02):** Consider a preliminary development plan for a 289 lot single family detached-neighborhood subdivision.
- c. **Preliminary Plat (PP-21-04):** Consider a preliminary plat for a 289 lot single family detached-neighborhood subdivision.

### DISCUSSION ITEMS

### ADJOURNMENT



In compliance with the Americans with Disabilities Act, the City of Gardner will provide reasonable accommodations for all public meetings. Persons requiring accommodations in attending any of our public meetings should contact the City Clerk's office at 856-0945 a minimum of 48 hours prior to the meeting.



## AGENDA

Planning Commission Meeting  
Monday July 26, 2021  
7:00 pm  
Gardner City Hall  
120 E. Main Street

### CALL TO ORDER

### PLEDGE OF ALLEGIANCE

### ROLL CALL

### CONSENT AGENDA

All matters listed within the Consent Agenda have been distributed to each member of the Planning Commission for study. These items are considered to be routine and will be enacted upon by one motion with no separate discussion. If separate discussion is desired on an item, from either the Planning Commission or from the floor, that item may be removed from the Consent Agenda and placed on the Regular Agenda.

1. Standing approval of the minutes as written for the meeting on June 28, 2021

### REGULAR AGENDA

#### 1. Treadway Apartments

Located at the southeast corner of I-35 and 175th Street approximately 2000' south of 175th Street

- a. **Rezoning (Z-21-03):** Hold a public hearing and consider a rezoning for 2.12 acres from C-3 to R-3 District.
- b. **Site Plan (SP-21-03):** Consider a site plan for Treadway Apartments, a 34 acre, 424 unit apartment complex
- c. **Preliminary Plat (PP-21-03):** Consider a preliminary plat for a one lot, 34 acre subdivision.
- d. **Final Plat (FP-21-04):** Consider a final plat for a one lot, 34 acre subdivision.

#### 2. Cypress Creek

Located between 167<sup>th</sup> Street and Madison Road just north of Gardner Edgerton High School.

- a. **Rezoning (Z-21-04):** Hold a public hearing and consider a rezoning for 98.59 acres from RUR (County) to RP-2 for a 289 lot single family detached-neighborhood subdivision.
- b. **Preliminary Development Plan (PDP-21-02):** Consider a preliminary development plan for a 289 lot single family detached-neighborhood subdivision.
- c. **Preliminary Plat (PP-21-04):** Consider a preliminary plat for a 289 lot single family detached-neighborhood subdivision.

### DISCUSSION ITEMS

### ADJOURNMENT



In compliance with the Americans with Disabilities Act, the City of Gardner will provide reasonable accommodations for all public meetings. Persons requiring accommodations in attending any of our public meetings should contact the City Clerk's office at 856-0945 a minimum of 48 hours prior to the meeting.

**PLANNING COMMISSION STAFF REPORT****NEW BUSINESS ITEM No. 1A****MEETING DATE: JULY 26, 2021****PREPARED BY: ROBERT CASE, PRINCIPAL PLANNER**

---

**PROJECT NUMBER / TITLE: Z-21-03(SP-21-03) Treadway Apartments**

---

**PROCESS INFORMATION****Type of Request:** Rezoning and Site Plan**Date Received:** June 7, 2021**APPLICATION INFORMATION****Applicant:** Schlagel & Associates, P.A.**Owner:** Grata LLC**Parcel ID:** CF231429-1008**Location:** Southeast corner of I-35 and 175<sup>th</sup> Street approximately 2000' south of 175<sup>th</sup> Street**REQUESTED ACTION**

The applicant requests approval of a rezoning from C-3 to R-3 for approximately 2.12 acres in order to add acreage to an existing multi-family site zoned R-3. Along with this rezoning request is the associated site plan for the Treadway Apartments, a 34 acre multi-family, 424 unit apartment complex.

**EXISTING ZONING AND LAND USE**

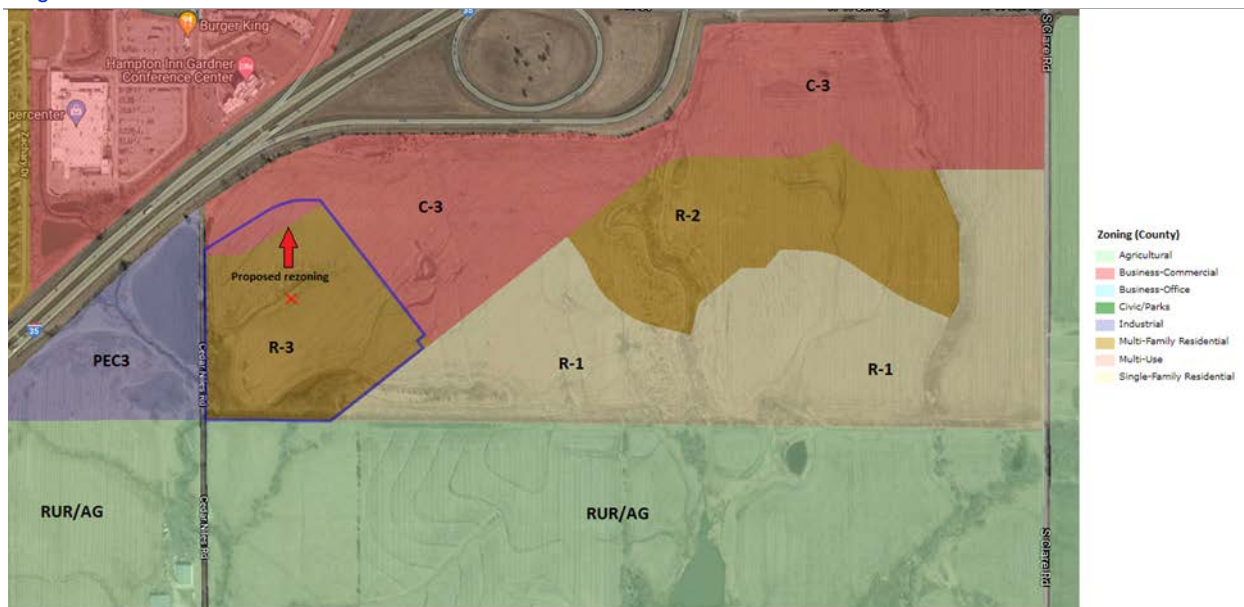
The subject property is currently zoned C-3 (Commercial) and is vacant land.

**SURROUNDING ZONING AND LAND USE**

<b>Zoning</b>	<b>Use(s)</b>
<b>North of subject property</b>	
C-3 (General Commercial) District	Undeveloped commercial property
<b>East of subject property</b>	
R-2 (Two-family) District	Undeveloped Single-family property
R-1 (Single-Family Residential) District	Undeveloped Single-family property
<b>South of subject property</b>	
County RUR (Rural, Agricultural) District	Agricultural property
<b>West of subject property</b>	
County PEC3 (Planned Light Industrial Park) District	Vacant property

**EXISTING CONDITIONS**

This property is currently not platted and is unimproved.



### **BACKGROUND / HISTORY**

The property was annexed on September 3, 2019 per Ordinance 2622. On April 20, 2020 approved an application to rezone the property to C-3 (Commercial) per Ordinance 2657 and to R-3 (Garden Apartment) District per Ordinance 2658.

### **CONSISTENCY WITH COMPREHENSIVE PLAN**

The Gardner Comprehensive Plan was adopted in 2014 and did not identify detailed future land use for areas on the east side of the interstate but designated it as “Southeast Quadrant Market Determined Growth Area” with Regional Commercial future land uses identified at the interchanges. The plan directed staff to further study that growth area in the near future. Staff proceeded with this direction and completed the process for two subarea plans at the interchanges. The subject properties are within the study boundaries of the *I-35 & 175<sup>th</sup> Street Interchange Subarea Plan* which was adopted and incorporated by reference into the Comprehensive Plan in June 2018. At the time of the planning efforts, the subject property owner had proposed a concept for the property and that concept was utilized to guide the future land use for that area in the plan. The property is shown for Regional Commercial (red), Commercial and Light Industrial (lavender), Heavy Commercial and Industrial (dark purple) and Parks/Recreation/Open Space (green) future land uses. The subject parcel (yellow outline) is identified for Regional Commercial and Parks/Recreation/Open Space future land uses.

Additionally, the Comprehensive Plan has identified this area for “New Residential Growth” in the Residential Area Plan under the Housing section, which is undeveloped land that provides a clean slate for future residential development to contribute to and enforce the City’s existing character and identity. One goal of New Residential Growth is to ensure a new development meets the requirements of the *Gardner Land Development Code* and provides flexibility where necessary to accommodate a variety of housing types and intensities. While the project itself does not provide a variety of housing types, the proposed addition of apartments would provide for a variety of housing in the area. The nearest apartment development is just over a mile to the east at E. Grand Street and Moonlight Road. With the growth of businesses in New Century AirCenter and 175<sup>th</sup> Street being a main corridor into Gardner, multi-family housing on the east side of Gardner will be important.

The New Residential Growth Areas plan values connectivity and open space preservation and conservation design. The proposed street layout connects the existing street stub of Gretna Street to the north into future phases of Copper Springs. Additionally a second connection from University Drive to Gretna Street with a new street to be called Evergreen Street is proposed. The Connection section not only talks about street connections but trail connections. The proposed project will extend the existing trail along Moonlight Road to the north to the extent of the property and also into the property.

The open space preservation and conservation design is supported with this project by way of stormwater detention areas throughout the project which will include native vegetation. Additionally as mentioned before, trails are incorporated into the plan. Staff finds this project is consistent with housing diversity goals of the Comprehensive Plan.

### **STAFF ANALYSIS - ZONING MAP AMENDMENT**

#### **17.03.030 (B) Review Criteria:**

- 1. The character of the neighborhood, including the design of streets, civic spaces and other open spaces; the scale, pattern and design of buildings; and the operation and uses of land and buildings;**

**Staff Comment:** *The area is mostly vacant with single-family to the east and commercial to the north. To the south is unincorporated Johnson County and New Century AirCenter industrial is north of 175<sup>th</sup> Street. This general location near a major highway interchange is well-situated to serve the needs of people who want to live and work in the region.*

- 2. The zoning and use of properties nearby, and the compatibility with potential uses in the proposed district with these zoning districts;**

**Staff Comment:** *This area of the community has been in agricultural use for many years. Because of its proximity to a major highway interchange, however, this area is slated for growth opportunity. Regional commercial and medium-density residential land uses have evolved near the airport on the other side of this highway interchange with no known incompatibilities with airport operations. This application represents only a portion of the future development for this area, which is to include commercial, multi-family, and single-family land uses. This development is arranged in a transitional pattern with higher-intensity uses adjacent to the major roadways and less intense uses adjacent to remaining agriculture and very low-density residential uses. The R-3 (Garden Apartment) District would accommodate single-family, duplex, row house, garden apartment, and small civic building types. Garden apartments are the least dense of the apartment building types based on a 40% maximum building coverage limit and 40% minimum open space requirement with a 3-story height limit. With accommodation of concerns related to the flight corridor, it is anticipated that this zoning district can be compatible with nearby properties.*

- 3. The suitability of the subject property for the uses to which it has been restricted;**

**Staff Comment:** *While under County zoning jurisdiction, the subject property was zoned for PRB2 (Planned Residential Neighborhood Retail Business) District which includes opportunity for limited neighborhood retail sales/service and personal service business uses; and PEC3 (Planned Light Industrial Park) District which provides opportunity for research and development, light fabrication/assembly, limited industrial/manufacturing, and warehousing uses. These are suitable land uses based on County plans. In the County, lands could be zoned to a planned district without any plan actually existing, unlike the City. So there are no applicable development plans for the subject parcel. This property has now transitioned into the City's zoning jurisdiction,*



and is thus subject to City plans. This application proposes to accommodate the transition from County to City zoning district.

**4. The extent to which removal of the restrictions will detrimentally affect nearby property;**

**Staff Comment:** As the overall development is arranged to locate more intense uses close to major roadways and away from existing rural uses, it is anticipated that the removal of the restrictions will not detrimentally affect nearby property so long as issues pertaining to development near the primary flight corridor are resolved.

**5. The length of time the subject property has remained vacant as zoned;**

**Staff Comment:** The subject property has always been in agricultural use.

**6. The relative gain to economic development, public health, safety and welfare by the current restrictions on the applicant's property as compared to the hardship imposed by such restrictions upon the property;**

**Staff Comment:** As zoned within the County, the subject property has remained undeveloped for many years. This application provides an opportunity for the development of housing to meet the needs of workers as employment opportunities continue to grow in the area. When housing is located near jobs, it increases the economic welfare of workers by reducing transportation costs and supporting better quality of life. These opportunities promote engagement of citizens in the community where they live and work. These factors would indicate that there would be a net gain in favor of economic development and public health, safety, and welfare with consideration of this application.

**7. The recommendations of professional staff;**

**Staff Comment:** Staff recommends approval of this rezoning application subject to some basic conditions to acknowledge some of the major concerns of the County pertaining to operations of the nearby airport.

**8. The conformance of the requested change to the Comprehensive Plan, and in particular the relationship of the intent statement for the proposed district and how the specific application furthers that intent statement in relation to the Comprehensive Plan;**

**Staff Comment:** The intent of the R-3 (Garden Apartment) District is to provide residential living in a high-density pattern as a transition between neighborhoods and more intense uses, where a high level of accessibility, public amenity and support services are immediately available. The City has committed to providing infrastructure to this new growth area of the community. The subject parcel will be linked to major highway corridors with a new arterial roadway, providing convenient access to regional jobs and amenities. The location of the R-3 District would provide a transition between lower-density residential uses to the east and the I-35 corridor. This application supports housing diversity goals of the Comprehensive Plan

**9. The extent to which the proposed use would adversely affect the capacity or safety of any utilities, infrastructure or public services serving the vicinity; and**

**Staff Comment:** Per a development agreement, the City is committed to providing the necessary infrastructure to serve the subject property and adjacent properties. These actions will positively impact the capacity and safety of utilities and other infrastructure to serve not only this development, but other developments in this area in the future.

**10. Other factors relevant to a particular proposed amendment or other factors which support other adopted policies of the City.**

**Staff Comment:** *The City of Gardner Strategic Plan indicates an opportunity for the city to annex adjacent land areas that could be developed into commercial and industrial properties that would diversify the tax base. The overall development project of which this application is a part provides for commercial land uses supported by adjacent multi-family and single-family residential land uses of various densities. Adjacent jurisdictions are capturing industrial development opportunity, providing an opportunity for Gardner to support the development of housing and commercial opportunities to compliment those job sources. This application supports economic opportunity and the diversification of the tax base and provides quality of life through diverse housing opportunity. It increases private investment in the community.*

**STAFF ANALYSIS – INFRASTRUCTURE/OTHER**

**Utilities** – All utilities are available to the site. The City of Gardner is the provider for sanitary sewer and electric. WaterOne is the provider for water.

**Environmental Conditions** - The site is in the Little Bull Creek watershed. A small portion of floodway and floodplain exist on the southwest corner of the site. Most of the site is characterized by silt loam soils with 1-3% slopes, constituting prime farmland somewhat poorly drained. A portion in the southwest corner is silty clay loam moderately well drained.

**STAFF ANALYSIS – SITE PLAN**

**17.03.060 (B) Review Criteria:**

1. In general, any site plan in compliance with all requirements of this Code shall be approved.

**Staff Comment:** *The site plan is in general compliance with the Code, with several items that will be conditions of approval.*

2. In making a determination of compliance, or for site plans accompanying any discretionary review or administrative relief, the review body shall consider whether:
  - a. The site is capable of accommodating the buildings, proposed use, access and other site design elements required by the Code and will not negatively impact the function and design of rights-of-way or adjacent property.

**Staff Comment:** *The site is capable of accommodating the buildings, proposed use, access and other site design elements required by the Code and will not negatively impact the function and design of rights-of-way or adjacent property.*

- b. The design and arrangement of buildings and open spaces is consistent with good planning, landscape design and site engineering principles and practices.

**Staff Comment:** *The design and arrangement of the building is consistent with good planning and landscaping design principles and practices.*

- c. The architecture and building design uses quality materials and the style is appropriate for the context considering the proportion, massing, and scale of different elements of the building.

**Staff Comment:** *The architecture and materials provide for a quality building. Proposed are stone accents with hardie siding and shingled roofing. This apartment complex is located on the east side of Interstate 35 and provides an attractive view of the complex from the highway.*

- d. The overall design is compatible to the context considering the location and relationships of other buildings, open spaces, natural features or site design elements.

**Staff Comment:** *The overall design is compatible to the context considering the location near residential and commercial properties. Similar materials, colors, and roof styles help to create a relationship to the adjacent residential. Staff finds this criteria is met.*

- e. Whether any additional site-specific conditions are necessary to meet the intent and design objectives of any of the applicable development standards.

**Staff Comment:** *No additional site specific conditions are necessary for this project.*

3. The application meets the criteria for all other reviews needed to build the project as proposed.

**Staff Comment:** *The project will need to complete the platting, Johnson County review due to proximity to New Century AirCenter, public improvement plan approval, and building permit processes.*

*These are all recommended conditions of approval.*

4. The recommendations of professional staff.

**Staff Comment:** *Staff recommends approval of the site plan SP-21-03 with conditions outlined in the staff report.*

## **ATTACHMENTS**

- I. Plan document
- II. Property owner notice letter
- III. Application

## **ACTIONS**

Per Section 17.03.010 (G) of the *Gardner Land Development Code*, a review body may take the following actions (or recommend the following actions):

1. Approve the application.
2. Approve the application with conditions or modifications to lessen or mitigate a potential impact from the proposed application.
3. Deny the application.
4. Continue the application to allow further analysis. The continued application shall not be more than 60 days from the original review without consent of the applicant. No application shall be continued more than once by each review body without consent of the applicant.

## **EFFECT OF DECISION**

**Zoning Map Amendment (Rezoning)** – Amendments to the official zoning map (rezoning) shall be approved by the Governing Body in the form of an ordinance. Approved changes shall be indicated on the official zoning map by the Director within 30 days following such action.

**Preliminary Development Plan** – Approval of a preliminary development plan shall constitute acceptance of the overall planning concepts and development parameters. In reviewing and approving a preliminary development plan, the Planning Commission may recommend or the Governing Body may require conditions that must be met before an applicant submits a final



development plan. An approved preliminary development plan shall lapse and be of no further force and effect if a final development plan (or a final development plan for a designated phase of the preliminary development plan) has not been approved within two years of the date of approval of the preliminary development plan.

### **RECOMMENDATION**

Staff recommends approval of the rezoning from C-3 to R-3 and the associated site plan for Treadway Apartments with the conditions outlined in the Recommended Motion section.

#### **Recommended Motion:**

After review of Application Z-21-03 and SP-21-03, a rezoning for (parcel ID CF231429-1008), and site plan dated July 1, 2019, and staff report dated July 21, 2021, the Planning Commission approves the application as proposed, provided the following conditions are met:

1. Revise the plans to show 8' wide sidewalks on internal areas of the site.
2. Revise the plans to either show 8' wide sidewalks long any parking with vehicle overhangs or move the existing 5' sidewalk 2' away from parking lot curb.
3. Revise the plan to show landscaping along the back side of all garages.
4. Prior to the issuance of a building permit, the application shall obtain approval from the Johnson County Board of Commissioners.
5. Prior to the issuance of a building permit, a final plat shall be approved by the Planning Commission, with rights-of-way and easements accepted by the Governing Body.

and recommends the Planning Commission forward the recommendation for approval to the Governing Body.

---

**PROJECT NUMBER / TITLE: PP-21-03 Preliminary Plat & FP-21-04 Final Plat Treadway Apartments**

---

**PROCESS INFORMATION****Type of Request:** Preliminary and Final Plat**Date Received:** June 7, 2021**APPLICATION INFORMATION****Applicant:** Schlagel & Associates, PA, Mark Breuer, PE**Owner:** Grata LLC, Travis Schram, Manager**Parcel IDs:** CF231429-1008**Location:** Southeast corner of I-35 and 175<sup>th</sup> Street approximately 2000' south of 175<sup>th</sup> Street**REQUESTED ACTION**

The applicant is requesting approval of a preliminary and final plat for Treadway Apartments, a single lot multi-family subdivision.

**EXISTING ZONING AND LAND USE**

The property is currently vacant and undeveloped property. The property is currently zoned R-3 and C-3 (Garden Apartment and Commercial) District.

**SURROUNDING ZONING AND LAND USE**

<b><u>Zoning</u></b>	<b><u>Use(s)</u></b>
<b>North of subject property</b>	
C-3 (Commercial) District	Undeveloped commercial property
<b>East of subject property</b>	
R-2 (Two Family) District	Undeveloped Single-family property
R-1 (Single Family) District	Undeveloped Single-family property
<b>South of subject property</b>	
County RUR (Rural, Agricultural) District	Agricultural property
<b>West of subject property</b>	
County PEC3 (Planned Light Industrial Park) District	Vacant property

**EXISTING CONDITIONS**

This property is currently not platted and is unimproved.



### **BACKGROUND / HISTORY**

The property was annexed on September 3, 2019 per Ordinance 2622. On April 20, 2020 approved an application to rezone the property to C-3 (Commercial) per Ordinance 2657 and to R-3 (Garden Apartment) District per Ordinance 2658.

### **CONSISTENCY WITH COMPREHENSIVE PLAN**

The Gardner Comprehensive Plan was adopted in 2014 and did not identify detailed future land use for areas on the east side of the interstate but designated it as "Southeast Quadrant Market Determined Growth Area" with Regional Commercial future land uses identified at the interchanges. The plan directed staff to further study that growth area in the near future. Staff proceeded with this direction and completed the process for two subarea plans at the interchanges. The subject properties are within the study boundaries of the *I-35 & 175<sup>th</sup> Street Interchange Subarea Plan* which was adopted and incorporated by reference into the Comprehensive Plan in June 2018. At the time of the planning efforts, the subject property owner had proposed a concept for the property and that concept was utilized to guide the future land use for that area in the plan. The property is shown for Regional Commercial (red), Commercial and Light Industrial (lavender), Heavy Commercial and Industrial (dark purple) and Parks/Recreation/Open Space (green) future land uses. The subject parcel (yellow outline) is identified for Regional Commercial and Parks/Recreation/Open Space future land uses.

Additionally, the Comprehensive Plan has identified this area for “New Residential Growth” in the Residential Area Plan under the Housing section, which is undeveloped land that provides a clean slate for future residential development to contribute to and enforce the City’s existing character and identity. One goal of New Residential Growth is to ensure a new development meets the requirements of the *Gardner Land Development Code* and provides flexibility where necessary to accommodate a variety of housing types and intensities. While the project itself does not provide a variety of housing types, the proposed addition of apartments would provide for a variety of housing in the area. The nearest apartment development is just over a mile to the east at E. Grand Street and Moonlight Road. With the growth of businesses in New Century AirCenter and 175<sup>th</sup> Street being a main corridor into Gardner, multi-family housing on the east side of Gardner will be important.

The open space preservation and conservation design is supported with this project by way of stormwater detention areas throughout the project which will include native vegetation. Additionally as mentioned before, trails are incorporated into the plan. Staff finds that this project is consistent with housing diversity goals of the Comprehensive Plan.

#### **STAFF ANALYSIS - PRELIMINARY PLAT**

##### **17.03.020 (D1) Review Criteria:**

- a. The application is in accordance with the Comprehensive Plan and in particular the physical patterns, arrangement of streets, blocks, lots and open spaces, and public realm investments that reflect the principles and concepts of the plan.

**Staff Comment:** *The subject property is located within the New Residential Growth Areas of the Comprehensive Plan which is undeveloped land that provides a “clean slate” for future residential development. This section states new residential growth areas should provide logical connections to the surrounding street grid, streetscapes that provide for trees to be planted in the parkway, and pedestrian connections.*

- b. Compliance with the requirements of this Land Development Code, and in particular the blocks and lots proposed are capable of meeting all development and site design standards under the existing or proposed zoning.

**Staff Comment:** *The proposed plat is generally in compliance with the requirements of the Land Development Code (LDC) regarding lots and blocks.*

*This development has internal access drives that mimic block structures. Sidewalks are provided for along the drives that also connect to trails through the blocks.*

- c. Any phasing proposed in the application is clearly indicated and demonstrates a logical and coordinated approach to development, including coordination with existing and potential development on adjacent property.

**Staff Comment:** *There is no phasing proposed with this plat.*

- d. Any impacts identified by specific studies or technical reports, including a preliminary review of storm water, are mitigated with generally accepted and sound planning, engineering, and urban design solutions that reflect long-term solutions and sound fiscal investments.

**Staff Comment:** *The provided studies and technical reports provided generally accepted and sound planning and engineering that reflect long-term solutions and fiscal investment.*

- e. The application does not deter any existing or future development on adjacent property from meeting the goals and policies of the Comprehensive Plan.

**Staff Comment:** *The application does not deter any existing or future development on adjacent property from meeting the goals and policies of the Comprehensive Plan. The surrounding properties are developed and if redevelopment is proposed, that development will have to meet the goals and policies of the Comprehensive Plan.*

- f. The design does not impede the construction of anticipated or planned future public infrastructure within the area.

**Staff Comment:** *The design does not impede the construction of anticipated or future public infrastructure in the area. This plat provides for the initial internal roadway improvements for the planned commercial development to the north.*

- g. The recommendations of professional staff, or any other public entity asked to officially review the plat.

**Staff Comment:** *Staff recommends approval of the preliminary plat for Treadway.*

## **STAFF ANALYSIS - FINAL PLAT**

### **17.03.020 (E1) Review Criteria:**

- a. The layout and design of the final plat is in substantial compliance with the approved preliminary plat considering the number of lots or parcels; the block layout, street designs and access; the open space systems and civic design elements; the infrastructure systems; or other elements of coordinated developments.

**Staff Comment:** *The final plat is in substantial compliance with the preliminary plat regarding number of lots, block layout and the infrastructure elements.*

- b. The construction plans for any utilities, infrastructure or public facilities shall have been found to meet all technical specifications, or final plat approval shall be conditioned on such plans meeting all technical specifications, before the recording of the final plat.

**Staff Comment:** *Public improvement plans shall be submitted and approved prior to the release of the final plat for recording at the County. The city is the provider for sanitary sewer, stormwater, and electric facilities in the area. Water service is being provided by WaterOne.*

- c. The phasing and timing of public improvements ensures construction and performance guarantees.

**Staff Comment:** *Public improvement plans shall be submitted and approved prior to the release of the final plat for recording and issuance of building permits to ensure all improvements are in place.*

- d. Any deviations in the final plat from the preliminary plat brings the application in further compliance with the Comprehensive Plan and the purposes and intent of this Code.

**Staff Comment:** *There are no deviations from the preliminary plat.*



- e. The recommendations of professional staff or any other public entity asked to officially review the plat.

**Staff Comment:** *Staff recommends the Planning Commission forward a recommendation of approval of the final plat to the Governing Body with the conditions outlined below.*

### **EXCISE TAX**

Excise tax is levied with the act of platting the portion of the property in the city. Any of the subject property that has never been a part of a final plat before is therefore subject to paying the excise tax. This tax is based on the square footage of the plat property, excluding any arterial type right-of-way dedication for streets and parkland dedication. This plat will not be required to pay excise tax as it qualifies for the following exemption: Any replat of previously platted land area which was approved by the City and recorded prior to January 5, 2000, and where the replat does not increase the density or intensity of the approved land uses. No excise tax will be levied with this plat.

### **STAFF ANALYSIS – INFRASTRUCTURE / OTHER**

**Utilities** – All utilities are available to the site. The City of Gardner is the provider for sanitary sewer and electric, WaterOne is the provider for water.

**Environmental Conditions** - The site is in the Little Bull Creek watershed. A small portion of floodway and floodplain exist on the southwest corner of the site. Most of the site is characterized by silt loam soils with 1-3% slopes, constituting prime farmland somewhat poorly drained. A portion in the southwest corner is silty clay loam moderately well drained.

### **NEW CENTURY AIRCENTER –**

The subject property is within the New Century AirCenter Airport Interest Area and within 1 mile of airport owned property. The Johnson County Airport Board and Johnson County Board of County Commissioners will have to review and take action on these applications because of the proximity of the property to the airport.

### **ATTACHMENTS**

- I. Preliminary Plat
- II. Final Plat
- III. Applications

### **ACTIONS**

Per Section 17.03.010 (G) of the *Gardner Land Development Code*, a review body may take the following actions (or recommend the following actions):

1. Approve the application.
2. Approve the application with conditions or modifications to lessen or mitigate a potential impact from the proposed application.
3. Deny the application.
4. Continue the application to allow further analysis. The continued application shall not be more than 60 days from the original review without consent of the applicant. No application shall be continued more than once by each review body without consent of the applicant.



## **EFFECT OF DECISION**

**Preliminary Plat** – The approval of the preliminary plat does not constitute an acceptance of the subdivision, but authorizes preparation of the final plat. If the Planning Commission tables a plat, the applicant shall have 60 days to submit information sufficient for approval or the application shall be deemed denied. The applicant may request that a denied preliminary plat be submitted to the Governing Body and the Planning Commission shall submit all information to the Governing Body, which can make a determination consistent with these regulations. The approval of the preliminary plat shall be effective for 18 months, except that any approval of a final plat for any phase specifically indicated on a preliminary plat shall renew the 18-month period. The Planning Commission may grant an extension of this period for up to one year, if the applicant demonstrates substantial progress towards the design and engineering requirements necessary to submit a final plat.

**Final Plat** – If the Planning Commission approves or conditionally approves the final plat, the plat shall be forwarded to the Governing Body with a recommendation that they accept dedication of land for public purposes such as easements, rights-of-way and public facilities. The approval of the final plat; acceptance of the dedication of land for public purposes; finding that the construction plans for any utilities, infrastructure or public facilities meet all City technical specifications; and payment of the excise tax if applicable, authorizes the filing of the plat with the Johnson County Records and Tax Administration. Any approval with conditions or exceptions to the rules shall be clearly stated on the plat. Any plat not recorded within two years from the date of acceptance of land by the Governing Body shall be null and void. Upon approval of the final plat, dedications, and construction plans and recording of the plat, the applicant may proceed with the construction of required improvements. No building permit shall be authorized until the completion, inspection and acceptance of all required improvements.

## **RECOMMENDATION**

### **PRELIMINARY PLAT**

Staff recommends approval of PP-21-03, a single lot multi-family preliminary plat for Treadway Apartments.

#### **Recommended Motion:**

After review of Application PP-21-03, a preliminary plat for parcel ID CF231429-1008, and preliminary plat dated June 7, 2021, and staff report dated July 26, 2021, the Planning Commission approves the application as proposed after finding all applicable requirements have been met.

### **FINAL PLAT**

Staff recommends approval of FP-21-04, a final plat for Treadway Apartments with the conditions outlined in the recommended motion below and recommends the Planning Commission send the recommendation to the Governing Body to accept the dedication of right-of-way and easements.

#### **Recommended Motion:**

After review of Application FP-21-04, a final plat parcel ID CF231429-1008 and final plat dated June 7, 2021, and staff report dated July 26, 2021, the Planning approves the application as proposed, provided the following conditions are met:

1. Preliminary plat PP-21-03 shall be approved prior to the release of the final plat FP-21-04 for recording.
2. The construction plans for any utilities, infrastructure, or public facilities shall meet all technical specifications and public improvement plans shall be submitted and approved prior to the release of the plat for recording.
3. The application shall be reviewed and approved by the Johnson County Airport Board and Johnson County Board of County Commissioners prior to the release of the plat for recording.

and recommends the Governing Body accept dedication of right-of-way and easements.

---

PROJECT NUMBER / TITLE: Z-21-04 (PDP-21-02) for Cypress Creek Subdivision

---

**PROCESS INFORMATION**

**Type of Request:** Rezoning and associated Preliminary Development Plan

**Date Received:** June 7, 2021

**APPLICATION INFORMATION**

**Applicant:** Harold Phelps, Phelps Engineering, Inc.

**Owner:** Beverly Burgdorfer Revocable Trust

**Parcel ID:** 2F221423-1001

**Location:** The East 100 acres of the Northwest Quarter of Section 23, Township 14, Range 22; containing approximately 98.59 acres between 167<sup>th</sup> Street and Madison Road just north of Gardner Edgerton High School.

**REQUESTED ACTION**

The applicant is requesting approval of a rezoning from RUR to RP-2 (and associated preliminary development plan) for approximately 98.59 acres for a 289 lot single-family residential subdivision of an undeveloped parcel located north of the Gardner Edgerton High School.

**EXISTING ZONING AND LAND USE**

Currently the property is zoned RUR (Single-Family Residential) District which is a Johnson County zoning district with undeveloped agricultural land on the property. Properties that are annexed retain their County zoning until they are formally rezoned within the City.

**SURROUNDING ZONING AND LAND USE**

Zoning	Use(s)
<b>North of subject property</b>	
A (Agricultural) District	Vacant property
<b>East of subject property</b>	
R-1 (Residential) District	Single Family Residential
<b>South of subject property</b>	
R-1 (Single-Family Residential) District	Gardner Edgerton High School

West of subject property	
R-1 (Residential) District	Single Family Residential

## EXISTING CONDITIONS

Currently the subject property is vacant agricultural land. The property is bound on the north by 167<sup>th</sup> Street and on the south by Madison Street. Properties located directly to the east and west are single family subdivisions.



## BACKGROUND / HISTORY

The site for the proposed development was annexed into the City of Gardner on June 22, 2021 (Ordinance No. 2708). Currently, the property is not in use. At the time the property was annexed into the City, it had a County zoning designation as RUR (Rural, Agricultural uses and Single-Family dwellings).

### **CONSISTENCY WITH COMPREHENSIVE PLAN**

The *City of Gardner 2014 Comprehensive Plan* identifies this parcel for low-density residential future land use, described as “areas primarily consist of detached single family homes, but may also include duplexes or triplexes arranged in a low density format on larger lots, with buildings in character with typical single family homes. These “New Residential Growth Areas” include undeveloped land that provides a “clean slate” for future residential development. The Comprehensive Plan addresses these growth areas as having three major components that help to ensure the community’s goals of providing high quality neighborhoods that satisfy demand for a broad type of housing. These goals are; neighborhood character, connectivity, and open space preservation & conservation design. The design and layout the applicant is proposing is consistent with the goals of the Comprehensive Plan.

### **STAFF ANALYSIS - ZONING MAP AMENDMENT**

This section highlights contents of the application which may merit particular consideration in regard to zoning intent and standards. A full analysis of applicable zoning regulations is available upon request.

This application is for a rezoning to a planned development. The applicant has also submitted a preliminary plat with average lot sizes of 6,000 square feet and greater indicating use of the Detached House – Neighborhood building type.

#### **17.03.030 (B) Review Criteria:**

1. The character of the neighborhood, including the design of streets, civic spaces and other open spaces; the scale, pattern and design of buildings; and the operation and uses of land and buildings;

**Staff Comment:** *The character of the area is generally single-family residential, rural residential and agricultural. Staff finds this rezoning appropriate for the character of the area, as it provides a similar use to the existing single family to the east and west.*

2. The zoning and use of properties nearby, and the compatibility with potential uses in the proposed district with these zoning districts;

**Staff Comment:** *Again, there are single family homes to the east and west of this site. The Gardner Edgerton High School is located just to the south. The proposed zoning district and potential use are found to be compatible to the existing residential and schools located within close proximity to this site. This should support compatibility.*

3. The suitability of the subject property for the uses to which it has been restricted;

**Staff Comment:** *While in the County, the subject property was zoned for agriculture and large lot residential. This was an appropriate residential density when utility infrastructure was not available. However, the area is urbanizing with the planned growth of the Gardner community.*

4. The extent to which removal of the restrictions will detrimentally affect nearby property;

**Staff Comment:** *The most pertinent current restriction is the minimum lot size of 10 acres. Removing that will result in increased density, traffic, stormwater impact, etc. However, the applicant is providing for the continuation of multiple streets that will allow interconnectivity between the subdivisions to the east and west of this site and should improve safety. Madison Street, which will also offer another important road connection for existing subdivisions to the south, and improved public safety. This should benefit nearby properties.*

5. The length of time the subject property has remained vacant as zoned;

**Staff Comment:** *The subject property has been farmland at least since at least the 1940's.*

6. The relative gain to economic development, public health, safety and welfare by the current restrictions on the applicant's property as compared to the hardship imposed by such restrictions upon the property;

**Staff Comment:** *Single family development within this area will provide a positive gain to the City's economic growth. Also, through the development of new streets that provide interconnectivity between neighborhoods the applicant is helping to provide a more efficient means of travel within the north area of the community.*

7. The recommendations of professional staff;

**Staff Comment:** *Staff recommends approval of the rezoning application.*

8. The conformance of the requested change to the Comprehensive Plan, and in particular the relationship of the intent statement for the proposed district and how the specific application furthers that intent statement in relation to the Comprehensive Plan;

**Staff Comment:** *As stated previously, the Comprehensive Plan identifies the property for low-density residential, which translates to the residential zoning district as proposed. The intent of the requested residential district is "to provide residential living in a low-density neighborhood setting, with access to supporting uses such as schools, churches, parks and other public facilities which reinforce residential neighborhoods". This district can be used to implement development patterns identified in the new growth areas where the subject property is located.*

9. The extent to which the proposed use would adversely affect the capacity or safety of any utilities, infrastructure or public services serving the vicinity; and

**Staff Comment:** *The proposed zoning change and use would not adversely affect the capacity of any utilities, infrastructure or public service in the vicinity. The infrastructure is in place for the use and would not adversely impact the surrounding area.*

10. Other factors relevant to a particular proposed amendment or other factors which support other adopted policies of the City.



**Staff Comment:** *The rezoning application to RP-2, single-family development supports the adopted policy in the Comprehensive Plan for new residential growth areas. This proposal also supports the extension of our trail system through the inter-connection with the Kill Creek Trail which is consistent with the adopted Park System Master Plan.*

### **STAFF ANALYSIS - PRELIMINARY DEVELOPMENT PLAN**

The intent of the planned zoning districts is to encourage innovation in development, unique and distinctive places, and efficient use of land, buildings and infrastructure. Specifically, planned zoning and development plans to support the flexibility offered through planned zoning should accomplish one or more of the following:

1. Preservation of distinct natural features on the land and integration of them into amenities for the project.
2. Reduction in potential environmental impacts from the development, whether through disturbance of land, location of streets and infrastructure or operation of sites and buildings.
3. Create broader community benefits through the better integration of multiple projects, resulting in designs that could not have otherwise been accomplished through the base zoning districts and standards.
4. Improved public realm designs, including streetscapes, open space, civic spaces and the relationship of buildings and sites to those spaces.
5. Creation of unique projects and places that are particularly suited for the planned location based on the characteristics of the land or the context and relationship to surrounding areas.

Departures from the standards associated with all zoning districts may be considered through planned zoning, and approved provided they are based upon a comprehensive and well-integrated development plan for the area. These departures shall not be justified for simply wanting flexibility or deviations from standards based upon a site plan.

A preliminary development plan represents an overall plan for a development to include the specific land uses and their density/intensity, block and lot patterns, building types and scale, design characteristics, and other building and site design elements that reflect the proposed character of the plan. This plan shall have a particular emphasis on how these elements relate to the public realm plan and where transitions between these elements occur at a parcel or block scale, both within the development and in coordination with abutting property. The development plan shall specifically identify where development standards may differ from those otherwise applicable through the base zoning districts and general development requirements of this Code.

#### **17.03.040 (C) Review Criteria:**

1. The plan represents an improvement over what could have been accomplished through strict application of otherwise applicable base zoning district standards, based on the goals of the Comprehensive Plan, and based upon generally accepted planning and design practice.

**Staff Comment:** *The plan represents an improvement over what could have been accomplished through the strict application of otherwise applicable base zoning district standards, based on the goals of the Comprehensive Plan, and based upon generally accepted planning and design practices. The project achieves the design intent of the LDC for walkable neighborhoods by*

*providing extensive recreational walking opportunities throughout the development, and a future benefit for residents who may be able to walk to access to the adjacent schools.*

2. The benefits from any flexibility in the standards proposed in the plan promote the general public health, safety and welfare of the community, and in particular of the areas immediately near or within the proposed project, and are not strictly to benefit the applicant.

**Staff Comment:** *The benefits from the flexibility in the standards proposed promote the public health, safety and welfare of the community by preserving wetland and stream areas and extending City utility services to the north for future development. These things benefit both the applicant and the surrounding properties.*

3. The benefits from any flexibility in the standards proposed in the plan allow the project to better meet or exceed the intent statements of the base zoning district(s) and the standards proposed to be modified when applied to the specific project or site.

**Staff Comment:** *The intent statement of the Single-Family Residential District provides residential living in a low-density neighborhood setting, with access to supporting uses such as schools, churches, parks and other public facilities which reinforce residential neighborhoods. This district should be used in the contemporary neighborhoods of the residential area plans, or in association with the planned zoning process or other complementary residential zoning districts to implement development patterns identified in the new growth areas.*

*The Two-Family Residential District provides residential living in a moderate-density residential setting, providing a mix of housing options at strategic locations in relation to complementary uses that support strong residential neighborhoods.*

*The project provides for both Single-Family R-1 and Two-Family R-2 Planned Districts though the proposal utilizes the Detached House – Suburban and Detached House – Neighborhood Building Types which are both single-family type structures. The project benefits from the flexibility of the standards paired with a large amount of open space area. The overall project density is consistent with low-density development.*

4. The plan reflects generally accepted and sound planning and urban design principles with respect to applying the Comprehensive Plan and any specific plans to the area;

**Staff Comment:** *The plan reflects generally accepted planning and urban design principles by preserving and protecting stream areas and utilizing the utility easements that are undevelopable to provide pedestrian trails and connectivity throughout the development.*

5. The plan meets all of the review criteria for a zoning map amendment.

**Staff Comment:** *The plan generally meets the review criteria for a zoning map amendment.*

## **STAFF ANALYSIS – INFRASTRUCTURE / OTHER**

**ELECTRIC** – Electric is currently installed both to the north and south of the subject property and is to be extended into the project from there.

**SANITARY SEWER** – The subject property is within the Gardner sanitary sewer service area. Sanitary sewer service will be extended throughout the subdivision by a gravity system.

**Staff Comment:** *Electrical, water, or sanitary sewer infrastructure are adjacent to the site, the developer will be required to extend the services to all lots. City Electric is working on getting power transferred over from Evergy.*

### **STORM WATER**

The Stormwater Management Plan has not been revised based on the request of the Public Works Department. This will be a condition of approval.

### **ROADWAY NETWORK; VEHICULAR ACCESS; SIDEWALKS**

Internal road networks within the subject property will connect to 167<sup>th</sup> Street to the north and with Madison Street to the south, and a total of three stub streets to the east and west.

### **ACTIONS**

Per Section 17.03.010 (G) of the *Gardner Land Development Code*, a review body may take the following actions (or recommend the following actions):

1. Approve the application.
2. Approve the application with conditions or modifications to lessen or mitigate a potential impact from the proposed application.
3. Deny the application.
4. Continue the application to allow further analysis. The continued application shall not be more than 60 days from the original review without consent of the applicant. No application shall be continued more than once by each review body without consent of the applicant.

### **EFFECT OF DECISION**

Zoning Map Amendment (Rezoning) – Amendments to the official zoning map (rezoning) shall be approved by the Governing Body in the form of an ordinance. Approved changes shall be indicated on the official zoning map by the Director within 30 days following such action.

Preliminary Development Plan – Approval of a preliminary development plan shall constitute acceptance of the overall planning concepts and development parameters. In reviewing and approving a preliminary development plan, the Planning Commission may recommend or the Governing Body may require conditions that must be met before an applicant submits a final development plan. An approved preliminary development plan shall lapse and be of no further force and effect if a final development plan (or a final development plan for a designated phase of the preliminary development plan) has not been approved within two years of the date of approval of the preliminary development plan.

### **ATTACHMENTS**

- I. Rezoning Application
- II. Public hearing mailed notice letters
- III. Preliminary Development Plan

### **RECOMMENDATION**

Staff recommends approval of the rezoning and associated preliminary development plan with motion below.

**Recommended Motion:**

After review of applications Z-21-04 and PDP-21-02, a rezoning from RUR (Rural, Agricultural uses and single family dwellings District) to RP-2 (Planned Two Family Residential District) and associated preliminary development plan dated June 7, 2021, and staff report dated July 26, 2021, for Cypress Creek, Tax Id 2F221423-1001, located between 167<sup>th</sup> Street and Madison Road just north of Gardner Edgerton High School, the Planning Commission recommends the Governing Body approve the applications subject to the following conditions:

1. Approval of a transportation impact study and stormwater management plan by the City of Gardner Public Works Department;
2. Dedication of a 30' wide trail easement on the final plat to the City of Gardner that corresponds to the City of Gardner Parks Master Plans; and
3. Revise the landscape plan to promote diverse tree plantings.

---

PROJECT NUMBER / TITLE: PP-21-04 for Cypress Creek Subdivision

---

**PROCESS INFORMATION**

**Type of Request:** Preliminary Plat

**Date Received:** June 7, 2021

**APPLICATION INFORMATION**

**Applicant:** Harold Phelps, Phelps Engineering, Inc.

**Owner:** Beverly Burgdorfer Revocable Trust

**Parcel ID:** 2F221423-1001

**Location:** The East 100 acres of the Northwest Quarter of Section 23, Township 14, Range 22; containing approximately 98.59 acres between 167<sup>th</sup> Street and Madison Road just north of Gardner Edgerton High School.

**REQUESTED ACTION**

The applicant is requesting approval of a preliminary plat for Cypress Creek, a single-family subdivision containing approximately 98.59 acres.

**EXISTING ZONING AND LAND USE**

Currently the property is zoned RUR (Single-Family Residential) District and is undeveloped agricultural land.

**SURROUNDING ZONING AND LAND USE**

Zoning	Use(s)
<b>North of subject property</b>	
A (Agricultural) District	Vacant property
<b>East of subject property</b>	
R-1 (Residential) District	Single-Family Residential
<b>South of subject property</b>	
R-1 (Single-Family Residential) District	Gardner Edgerton High School
<b>West of subject property</b>	
R-1 (Residential) District	Single Family Residential

**EXISTING CONDITIONS**

Currently the subject property is vacant agricultural land. The property is bound on the north by 167<sup>th</sup> Street and on the south by Madison Street. Properties located directly to the east and west are single-family subdivisions.



The site for the proposed development was annexed into the City of Gardner on June 22 2021 (Ordinance No. 2708). Currently, the property is not in use. At the time the property was annexed into the City, it had a County zoning designation as RUR (Rural, Agricultural uses and Single-Family dwellings).

The *City of Gardner 2014 Comprehensive Plan* identifies this parcel for low-density residential future land use, described as “areas primarily consist of detached single-family homes, but may also include duplexes or triplexes arranged in a low density format on larger lots, with buildings in character with typical single-family homes. These “New Residential Growth Areas” include undeveloped land that provides a “clean slate” for future residential development. The Comprehensive Plan addresses these growth areas as having three major components that help to ensure the community’s goals of providing high quality neighborhoods that satisfy demand for a broad type of housing. These goals are; neighborhood character, connectivity, open space



preservation, and conservation design. The design and layout the applicant is proposing is consistent with the goals of the Comprehensive Plan.

## **STAFF ANALYSIS - PRELIMINARY PLAT**

### **17.03.020 (D1) Review Criteria:**

1. The application is in accordance with the Comprehensive Plan and in particular the physical patterns, arrangement of streets, blocks, lots and open spaces, and public realm investments that reflect the principles and concepts of the plan.

**Staff Comment:** *The application is in accordance with the Comprehensive Plan with regard to the physical patterns, arrangement of streets, blocks, lots and open spaces, and public realm investments that reflect the principles of the plan. The applicant is proposing a preliminary plat for 289 lots and 8 tracts, with a linear park/trail, and right-of-way dedication on approximately 98.59 acres. Properties directly adjacent to the development are primarily single-family residential. The Comprehensive Plan also calls for plans in the "New Residential Growth" areas to implement a sidewalk/trail infill program that includes pedestrian through-access, connecting residential subdivisions through footpaths and trails. This subdivision will provide cross connectivity with the Madison Reserve and Fountain Gate neighborhoods to the east and west.*

2. Compliance with the requirements of this Land Development Code, and in particular the blocks and lots proposed are capable of meeting all development and site design standards under the existing or proposed zoning.

**Staff Comment:** *The plat meets the site design standards regarding lot size minimum, block length, cul-de-sac length, and easements. The plan complies with the requirements of the Gardner Land Development Code in that the blocks and lots proposed can meet all development and site design standards. The development is proposed to be a Detached House - Neighborhood building type for single-family residential with a Suburban Yard frontage design type.*

3. Any phasing proposed in the application is clearly indicated and demonstrates a logical and coordinated approach to development, including coordination with existing and potential development on adjacent property.

**Staff Comment:** *The developer has not proposed a phasing plan.*

4. Any impacts identified by specific studies or technical reports, including a preliminary review of storm water, are mitigated with generally accepted and sound planning, engineering, and urban design solutions that reflect long-term solutions and sound fiscal investments.

**Staff Comment:** *The Stormwater Plans and Transportation Impact study have not yet been approved. This will be a condition of approval.*

5. The application does not deter any existing or future development on adjacent property from meeting the goals and policies of the Comprehensive Plan.

**Staff Comment:** *This plat application will not deter any existing or future development on adjacent property. The adjacent property is mainly developed with single-family residential which is what is planned for this property and is consistent with the comprehensive plan.*

6. The design does not impede the construction of anticipated or planned future public infrastructure within the area.

**Staff Comment:** *This application does not impede the construction of planned or future public infrastructure. This project will connect stub street to adjacent subdivisions and will provide ample pedestrian access to the incomplete streets in the area and provide more options for people to access 167<sup>th</sup> and Madison Street.*

7. The recommendations of professional staff, or any other public entity asked to officially review the plat.

**Staff Comment:** *Staff recommends approval of the preliminary plat of Cypress Creek with conditions outlined below.*

#### **STAFF ANALYSIS – INFRASTRUCTURE / OTHER**

**ELECTRIC** – Electric is currently along all sides of this site.

**SANITARY SEWER** – The subject property is within the Gardner sanitary sewer service area. Sanitary sewer service will be extended throughout the subdivision by a gravity system.

**Staff Comment:** *Electrical, water, or sanitary sewer infrastructure are adjacent to the site, the developer will be required to extend the services to all lots. City Electric is working on getting power transferred over from Evergy.*

#### **STORM WATER**

The Stormwater Management Plan has not been revised based on the request of the Public Works Department. This will be a condition of approval.

#### **ROADWAY NETWORK; VEHICULAR ACCESS; SIDEWALKS**

Internal road networks within the subject property will connect to 167<sup>th</sup> Street to the north and with Madison Street to the south, and a total of three stub streets to the east and west.

#### **ACTIONS**

Per Section 17.03.010 (G) of the *Gardner Land Development Code*, a review body may take the following actions (or recommend the following actions):

1. Approve the application.
2. Approve the application with conditions or modifications to lessen or mitigate a potential impact from the proposed application.
3. Deny the application.
4. Continue the application to allow further analysis. The continued application shall not be more than 60 days from the original review without consent of the applicant. No application shall be continued more than once by each review body without consent of the applicant.

### **EFFECT OF DECISION**

Preliminary Plat – The approval of the preliminary plat does not constitute an acceptance of the subdivision, but authorizes preparation of the final plat. If the Planning Commission tables a plat, the applicant shall have 60 days to submit information sufficient for approval or the application shall be deemed denied. The applicant may request that a denied preliminary plat be submitted to the Governing Body and the Planning Commission shall submit all information to the Governing Body, which can make a determination consistent with these regulations. The approval of the preliminary plat shall be effective for 18 months, except that any approval of a final plat for any phase specifically indicated on a preliminary plat shall renew the 18-month period. The Planning Commission may grant an extension of this period for up to one year, if the applicant demonstrates substantial progress towards the design and engineering requirements necessary to submit a final plat.

### **ATTACHMENTS**

- I. Preliminary Plat
- II. Application

### **RECOMMENDATION**

Staff recommends approval of the preliminary plat for Cypress Creek with the conditions outlined below in the recommended motion section.

#### **Recommended Motion:**

After review of case PP-21-04, a preliminary plat for Cypress Creek, Tax Id 2F221423-1001, The East 100 acres of the Northwest Quarter of Section 23, Township 14, Range 22 between 167<sup>th</sup> Street and Madison Road just north of Gardner Edgerton High School, and preliminary plat dated June 7, and staff report dated July 26, 2021, the Planning Commission approves the application as proposed, provided the following conditions are met:

1. Approval of rezoning Z-21-04 and preliminary development plan PDP-21-02 for Cypress Creek
2. Approval of a Stormwater Management Plan and Traffic Impact Study by the Public Works Department.
3. On the final plat, provide a 30' wide trail easement that corresponds to the City of Gardner Parks Master Plan shall be dedicated to the City of Gardner.

---

**PROJECT NUMBER / TITLE: PP-21-03 Preliminary Plat & FP-21-04 Final Plat Treadway Apartments**

---

**PROCESS INFORMATION****Type of Request:** Preliminary and Final Plat**Date Received:** June 7, 2021**APPLICATION INFORMATION****Applicant:** Schlagel & Associates, PA, Mark Breuer, PE**Owner:** Grata LLC, Travis Schram, Manager**Parcel IDs:** CF231429-1008**Location:** Southeast corner of I-35 and 175<sup>th</sup> Street approximately 2000' south of 175<sup>th</sup> Street**REQUESTED ACTION**

The applicant is requesting approval of a preliminary and final plat for Treadway Apartments, a single lot multi-family subdivision.

**EXISTING ZONING AND LAND USE**

The property is currently vacant and undeveloped property. The property is currently zoned R-3 and C-3 (Garden Apartment and Commercial) District.

**SURROUNDING ZONING AND LAND USE**

<b><u>Zoning</u></b>	<b><u>Use(s)</u></b>
<b>North of subject property</b>	
C-3 (Commercial) District	Undeveloped commercial property
<b>East of subject property</b>	
R-2 (Two Family) District	Undeveloped Single-family property
R-1 (Single Family) District	Undeveloped Single-family property
<b>South of subject property</b>	
County RUR (Rural, Agricultural) District	Agricultural property
<b>West of subject property</b>	
County PEC3 (Planned Light Industrial Park) District	Vacant property

**EXISTING CONDITIONS**

This property is currently not platted and is unimproved.



### **BACKGROUND / HISTORY**

The property was annexed on September 3, 2019 per Ordinance 2622. On April 20, 2020 approved an application to rezone the property to C-3 (Commercial) per Ordinance 2657 and to R-3 (Garden Apartment) District per Ordinance 2658.

### **CONSISTENCY WITH COMPREHENSIVE PLAN**

The Gardner Comprehensive Plan was adopted in 2014 and did not identify detailed future land use for areas on the east side of the interstate but designated it as "Southeast Quadrant Market Determined Growth Area" with Regional Commercial future land uses identified at the interchanges. The plan directed staff to further study that growth area in the near future. Staff proceeded with this direction and completed the process for two subarea plans at the interchanges. The subject properties are within the study boundaries of the *I-35 & 175<sup>th</sup> Street Interchange Subarea Plan* which was adopted and incorporated by reference into the Comprehensive Plan in June 2018. At the time of the planning efforts, the subject property owner had proposed a concept for the property and that concept was utilized to guide the future land use for that area in the plan. The property is shown for Regional Commercial (red), Commercial and Light Industrial (lavender), Heavy Commercial and Industrial (dark purple) and Parks/Recreation/Open Space (green) future land uses. The subject parcel (yellow outline) is identified for Regional Commercial and Parks/Recreation/Open Space future land uses.



Additionally, the Comprehensive Plan has identified this area for “New Residential Growth” in the Residential Area Plan under the Housing section, which is undeveloped land that provides a clean slate for future residential development to contribute to and enforce the City’s existing character and identity. One goal of New Residential Growth is to ensure a new development meets the requirements of the *Gardner Land Development Code* and provides flexibility where necessary to accommodate a variety of housing types and intensities. While the project itself does not provide a variety of housing types, the proposed addition of apartments would provide for a variety of housing in the area. The nearest apartment development is just over a mile to the east at E. Grand Street and Moonlight Road. With the growth of businesses in New Century AirCenter and 175<sup>th</sup> Street being a main corridor into Gardner, multi-family housing on the east side of Gardner will be important.

The open space preservation and conservation design is supported with this project by way of stormwater detention areas throughout the project which will include native vegetation. Additionally as mentioned before, trails are incorporated into the plan. Staff finds that this project is consistent with housing diversity goals of the Comprehensive Plan.

#### **STAFF ANALYSIS - PRELIMINARY PLAT**

##### **17.03.020 (D1) Review Criteria:**

- a. The application is in accordance with the Comprehensive Plan and in particular the physical patterns, arrangement of streets, blocks, lots and open spaces, and public realm investments that reflect the principles and concepts of the plan.

**Staff Comment:** *The subject property is located within the New Residential Growth Areas of the Comprehensive Plan which is undeveloped land that provides a “clean slate” for future residential development. This section states new residential growth areas should provide logical connections to the surrounding street grid, streetscapes that provide for trees to be planted in the parkway, and pedestrian connections.*

- b. Compliance with the requirements of this Land Development Code, and in particular the blocks and lots proposed are capable of meeting all development and site design standards under the existing or proposed zoning.

**Staff Comment:** *The proposed plat is generally in compliance with the requirements of the Land Development Code (LDC) regarding lots and blocks.*

*This development has internal access drives that mimic block structures. Sidewalks are provided for along the drives that also connect to trails through the blocks.*

- c. Any phasing proposed in the application is clearly indicated and demonstrates a logical and coordinated approach to development, including coordination with existing and potential development on adjacent property.

**Staff Comment:** *There is no phasing proposed with this plat.*

- d. Any impacts identified by specific studies or technical reports, including a preliminary review of storm water, are mitigated with generally accepted and sound planning, engineering, and urban design solutions that reflect long-term solutions and sound fiscal investments.

**Staff Comment:** *The provided studies and technical reports provided generally accepted and sound planning and engineering that reflect long-term solutions and fiscal investment.*



- e. The application does not deter any existing or future development on adjacent property from meeting the goals and policies of the Comprehensive Plan.

**Staff Comment:** *The application does not deter any existing or future development on adjacent property from meeting the goals and policies of the Comprehensive Plan. The surrounding properties are developed and if redevelopment is proposed, that development will have to meet the goals and policies of the Comprehensive Plan.*

- f. The design does not impede the construction of anticipated or planned future public infrastructure within the area.

**Staff Comment:** *The design does not impede the construction of anticipated or future public infrastructure in the area. This plat provides for the initial internal roadway improvements for the planned commercial development to the north.*

- g. The recommendations of professional staff, or any other public entity asked to officially review the plat.

**Staff Comment:** *Staff recommends approval of the preliminary plat for Treadway.*

## **STAFF ANALYSIS - FINAL PLAT**

### **17.03.020 (E1) Review Criteria:**

- a. The layout and design of the final plat is in substantial compliance with the approved preliminary plat considering the number of lots or parcels; the block layout, street designs and access; the open space systems and civic design elements; the infrastructure systems; or other elements of coordinated developments.

**Staff Comment:** *The final plat is in substantial compliance with the preliminary plat regarding number of lots, block layout and the infrastructure elements.*

- b. The construction plans for any utilities, infrastructure or public facilities shall have been found to meet all technical specifications, or final plat approval shall be conditioned on such plans meeting all technical specifications, before the recording of the final plat.

**Staff Comment:** *Public improvement plans shall be submitted and approved prior to the release of the final plat for recording at the County. The city is the provider for sanitary sewer, stormwater, and electric facilities in the area. Water service is being provided by WaterOne.*

- c. The phasing and timing of public improvements ensures construction and performance guarantees.

**Staff Comment:** *Public improvement plans shall be submitted and approved prior to the release of the final plat for recording and issuance of building permits to ensure all improvements are in place.*

- d. Any deviations in the final plat from the preliminary plat brings the application in further compliance with the Comprehensive Plan and the purposes and intent of this Code.

**Staff Comment:** *There are no deviations from the preliminary plat.*

- e. The recommendations of professional staff or any other public entity asked to officially review the plat.

**Staff Comment:** *Staff recommends the Planning Commission forward a recommendation of approval of the final plat to the Governing Body with the conditions outlined below.*

### **EXCISE TAX**

Excise tax is levied with the act of platting the portion of the property in the city. Any of the subject property that has never been a part of a final plat before is therefore subject to paying the excise tax. This tax is based on the square footage of the plat property, excluding any arterial type right-of-way dedication for streets and parkland dedication. This plat will not be required to pay excise tax as it qualifies for the following exemption: Any replat of previously platted land area which was approved by the City and recorded prior to January 5, 2000, and where the replat does not increase the density or intensity of the approved land uses. No excise tax will be levied with this plat.

### **STAFF ANALYSIS – INFRASTRUCTURE / OTHER**

**Utilities** – All utilities are available to the site. The City of Gardner is the provider for sanitary sewer and electric, WaterOne is the provider for water.

**Environmental Conditions** - The site is in the Little Bull Creek watershed. A small portion of floodway and floodplain exist on the southwest corner of the site. Most of the site is characterized by silt loam soils with 1-3% slopes, constituting prime farmland somewhat poorly drained. A portion in the southwest corner is silty clay loam moderately well drained.

### **NEW CENTURY AIRCENTER –**

The subject property is within the New Century AirCenter Airport Interest Area and within 1 mile of airport owned property. The Johnson County Airport Board and Johnson County Board of County Commissioners will have to review and take action on these applications because of the proximity of the property to the airport.

### **ATTACHMENTS**

- I. Preliminary Plat
- II. Final Plat
- III. Applications

### **ACTIONS**

Per Section 17.03.010 (G) of the *Gardner Land Development Code*, a review body may take the following actions (or recommend the following actions):

- 1. Approve the application.
- 2. Approve the application with conditions or modifications to lessen or mitigate a potential impact from the proposed application.
- 3. Deny the application.
- 4. Continue the application to allow further analysis. The continued application shall not be more than 60 days from the original review without consent of the applicant. No application shall be continued more than once by each review body without consent of the applicant.

## **EFFECT OF DECISION**

**Preliminary Plat** – The approval of the preliminary plat does not constitute an acceptance of the subdivision, but authorizes preparation of the final plat. If the Planning Commission tables a plat, the applicant shall have 60 days to submit information sufficient for approval or the application shall be deemed denied. The applicant may request that a denied preliminary plat be submitted to the Governing Body and the Planning Commission shall submit all information to the Governing Body, which can make a determination consistent with these regulations. The approval of the preliminary plat shall be effective for 18 months, except that any approval of a final plat for any phase specifically indicated on a preliminary plat shall renew the 18-month period. The Planning Commission may grant an extension of this period for up to one year, if the applicant demonstrates substantial progress towards the design and engineering requirements necessary to submit a final plat.

**Final Plat** – If the Planning Commission approves or conditionally approves the final plat, the plat shall be forwarded to the Governing Body with a recommendation that they accept dedication of land for public purposes such as easements, rights-of-way and public facilities. The approval of the final plat; acceptance of the dedication of land for public purposes; finding that the construction plans for any utilities, infrastructure or public facilities meet all City technical specifications; and payment of the excise tax if applicable, authorizes the filing of the plat with the Johnson County Records and Tax Administration. Any approval with conditions or exceptions to the rules shall be clearly stated on the plat. Any plat not recorded within two years from the date of acceptance of land by the Governing Body shall be null and void. Upon approval of the final plat, dedications, and construction plans and recording of the plat, the applicant may proceed with the construction of required improvements. No building permit shall be authorized until the completion, inspection and acceptance of all required improvements.

## **RECOMMENDATION**

### **PRELIMINARY PLAT**

Staff recommends approval of PP-21-03, a single lot multi-family preliminary plat for Treadway Apartments.

#### **Recommended Motion:**

After review of Application PP-21-03, a preliminary plat for parcel ID CF231429-1008, and preliminary plat dated June 7, 2021, and staff report dated July 26, 2021, the Planning Commission approves the application as proposed after finding all applicable requirements have been met.

### **FINAL PLAT**

Staff recommends approval of FP-21-04, a final plat for Treadway Apartments with the conditions outlined in the recommended motion below and recommends the Planning Commission send the recommendation to the Governing Body to accept the dedication of right-of-way and easements.

#### **Recommended Motion:**

After review of Application FP-21-04, a final plat parcel ID CF231429-1008 and final plat dated June 7, 2021, and staff report dated July 26, 2021, the Planning approves the application as proposed, provided the following conditions are met:

1. Preliminary plat PP-21-03 shall be approved prior to the release of the final plat FP-21-04 for recording.
2. The construction plans for any utilities, infrastructure, or public facilities shall meet all technical specifications and public improvement plans shall be submitted and approved prior to the release of the plat for recording.
3. The application shall be reviewed and approved by the Johnson County Airport Board and Johnson County Board of County Commissioners prior to the release of the plat for recording.

and recommends the Governing Body accept dedication of right-of-way and easements.

---

PROJECT NUMBER / TITLE: Z-21-04 (PDP-21-02) for Cypress Creek Subdivision

---

**PROCESS INFORMATION**

**Type of Request:** Rezoning and associated Preliminary Development Plan

**Date Received:** June 7, 2021

**APPLICATION INFORMATION**

**Applicant:** Harold Phelps, Phelps Engineering, Inc.

**Owner:** Beverly Burgdorfer Revocable Trust

**Parcel ID:** 2F221423-1001

**Location:** The East 100 acres of the Northwest Quarter of Section 23, Township 14, Range 22; containing approximately 98.59 acres between 167<sup>th</sup> Street and Madison Road just north of Gardner Edgerton High School.

**REQUESTED ACTION**

The applicant is requesting approval of a rezoning from RUR to RP-2 (and associated preliminary development plan) for approximately 98.59 acres for a 289 lot single-family residential subdivision of an undeveloped parcel located north of the Gardner Edgerton High School.

**EXISTING ZONING AND LAND USE**

Currently the property is zoned RUR (Single-Family Residential) District which is a Johnson County zoning district with undeveloped agricultural land on the property. Properties that are annexed retain their County zoning until they are formally rezoned within the City.

**SURROUNDING ZONING AND LAND USE**

Zoning	Use(s)
<b>North of subject property</b>	
A (Agricultural) District	Vacant property
<b>East of subject property</b>	
R-1 (Residential) District	Single Family Residential
<b>South of subject property</b>	
R-1 (Single-Family Residential) District	Gardner Edgerton High School

West of subject property	
R-1 (Residential) District	Single Family Residential

## EXISTING CONDITIONS

Currently the subject property is vacant agricultural land. The property is bound on the north by 167<sup>th</sup> Street and on the south by Madison Street. Properties located directly to the east and west are single family subdivisions.



## BACKGROUND / HISTORY

The site for the proposed development was annexed into the City of Gardner on June 22, 2021 (Ordinance No. 2708). Currently, the property is not in use. At the time the property was annexed into the City, it had a County zoning designation as RUR (Rural, Agricultural uses and Single-Family dwellings).



### **CONSISTENCY WITH COMPREHENSIVE PLAN**

The *City of Gardner 2014 Comprehensive Plan* identifies this parcel for low-density residential future land use, described as “areas primarily consist of detached single family homes, but may also include duplexes or triplexes arranged in a low density format on larger lots, with buildings in character with typical single family homes. These “New Residential Growth Areas” include undeveloped land that provides a “clean slate” for future residential development. The Comprehensive Plan addresses these growth areas as having three major components that help to ensure the community’s goals of providing high quality neighborhoods that satisfy demand for a broad type of housing. These goals are; neighborhood character, connectivity, and open space preservation & conservation design. The design and layout the applicant is proposing is consistent with the goals of the Comprehensive Plan.

### **STAFF ANALYSIS - ZONING MAP AMENDMENT**

This section highlights contents of the application which may merit particular consideration in regard to zoning intent and standards. A full analysis of applicable zoning regulations is available upon request.

This application is for a rezoning to a planned development. The applicant has also submitted a preliminary plat with average lot sizes of 6,000 square feet and greater indicating use of the Detached House – Neighborhood building type.

#### **17.03.030 (B) Review Criteria:**

1. The character of the neighborhood, including the design of streets, civic spaces and other open spaces; the scale, pattern and design of buildings; and the operation and uses of land and buildings;

**Staff Comment:** *The character of the area is generally single-family residential, rural residential and agricultural. Staff finds this rezoning appropriate for the character of the area, as it provides a similar use to the existing single family to the east and west.*

2. The zoning and use of properties nearby, and the compatibility with potential uses in the proposed district with these zoning districts;

**Staff Comment:** *Again, there are single family homes to the east and west of this site. The Gardner Edgerton High School is located just to the south. The proposed zoning district and potential use are found to be compatible to the existing residential and schools located within close proximity to this site. This should support compatibility.*

3. The suitability of the subject property for the uses to which it has been restricted;

**Staff Comment:** *While in the County, the subject property was zoned for agriculture and large lot residential. This was an appropriate residential density when utility infrastructure was not available. However, the area is urbanizing with the planned growth of the Gardner community.*

4. The extent to which removal of the restrictions will detrimentally affect nearby property;

**Staff Comment:** *The most pertinent current restriction is the minimum lot size of 10 acres. Removing that will result in increased density, traffic, stormwater impact, etc. However, the applicant is providing for the continuation of multiple streets that will allow interconnectivity between the subdivisions to the east and west of this site and should improve safety. Madison Street, which will also offer another important road connection for existing subdivisions to the south, and improved public safety. This should benefit nearby properties.*

5. The length of time the subject property has remained vacant as zoned;

**Staff Comment:** *The subject property has been farmland at least since at least the 1940's.*

6. The relative gain to economic development, public health, safety and welfare by the current restrictions on the applicant's property as compared to the hardship imposed by such restrictions upon the property;

**Staff Comment:** *Single family development within this area will provide a positive gain to the City's economic growth. Also, through the development of new streets that provide interconnectivity between neighborhoods the applicant is helping to provide a more efficient means of travel within the north area of the community.*

7. The recommendations of professional staff;

**Staff Comment:** *Staff recommends approval of the rezoning application.*

8. The conformance of the requested change to the Comprehensive Plan, and in particular the relationship of the intent statement for the proposed district and how the specific application furthers that intent statement in relation to the Comprehensive Plan;

**Staff Comment:** *As stated previously, the Comprehensive Plan identifies the property for low-density residential, which translates to the residential zoning district as proposed. The intent of the requested residential district is "to provide residential living in a low-density neighborhood setting, with access to supporting uses such as schools, churches, parks and other public facilities which reinforce residential neighborhoods". This district can be used to implement development patterns identified in the new growth areas where the subject property is located.*

9. The extent to which the proposed use would adversely affect the capacity or safety of any utilities, infrastructure or public services serving the vicinity; and

**Staff Comment:** *The proposed zoning change and use would not adversely affect the capacity of any utilities, infrastructure or public service in the vicinity. The infrastructure is in place for the use and would not adversely impact the surrounding area.*

10. Other factors relevant to a particular proposed amendment or other factors which support other adopted policies of the City.

**Staff Comment:** *The rezoning application to RP-2, single-family development supports the adopted policy in the Comprehensive Plan for new residential growth areas. This proposal also supports the extension of our trail system through the inter-connection with the Kill Creek Trail which is consistent with the adopted Park System Master Plan.*

### **STAFF ANALYSIS - PRELIMINARY DEVELOPMENT PLAN**

The intent of the planned zoning districts is to encourage innovation in development, unique and distinctive places, and efficient use of land, buildings and infrastructure. Specifically, planned zoning and development plans to support the flexibility offered through planned zoning should accomplish one or more of the following:

1. Preservation of distinct natural features on the land and integration of them into amenities for the project.
2. Reduction in potential environmental impacts from the development, whether through disturbance of land, location of streets and infrastructure or operation of sites and buildings.
3. Create broader community benefits through the better integration of multiple projects, resulting in designs that could not have otherwise been accomplished through the base zoning districts and standards.
4. Improved public realm designs, including streetscapes, open space, civic spaces and the relationship of buildings and sites to those spaces.
5. Creation of unique projects and places that are particularly suited for the planned location based on the characteristics of the land or the context and relationship to surrounding areas.

Departures from the standards associated with all zoning districts may be considered through planned zoning, and approved provided they are based upon a comprehensive and well-integrated development plan for the area. These departures shall not be justified for simply wanting flexibility or deviations from standards based upon a site plan.

A preliminary development plan represents an overall plan for a development to include the specific land uses and their density/intensity, block and lot patterns, building types and scale, design characteristics, and other building and site design elements that reflect the proposed character of the plan. This plan shall have a particular emphasis on how these elements relate to the public realm plan and where transitions between these elements occur at a parcel or block scale, both within the development and in coordination with abutting property. The development plan shall specifically identify where development standards may differ from those otherwise applicable through the base zoning districts and general development requirements of this Code.

#### **17.03.040 (C) Review Criteria:**

1. The plan represents an improvement over what could have been accomplished through strict application of otherwise applicable base zoning district standards, based on the goals of the Comprehensive Plan, and based upon generally accepted planning and design practice.

**Staff Comment:** *The plan represents an improvement over what could have been accomplished through the strict application of otherwise applicable base zoning district standards, based on the goals of the Comprehensive Plan, and based upon generally accepted planning and design practices. The project achieves the design intent of the LDC for walkable neighborhoods by*

*providing extensive recreational walking opportunities throughout the development, and a future benefit for residents who may be able to walk to access to the adjacent schools.*

2. The benefits from any flexibility in the standards proposed in the plan promote the general public health, safety and welfare of the community, and in particular of the areas immediately near or within the proposed project, and are not strictly to benefit the applicant.

**Staff Comment:** *The benefits from the flexibility in the standards proposed promote the public health, safety and welfare of the community by preserving wetland and stream areas and extending City utility services to the north for future development. These things benefit both the applicant and the surrounding properties.*

3. The benefits from any flexibility in the standards proposed in the plan allow the project to better meet or exceed the intent statements of the base zoning district(s) and the standards proposed to be modified when applied to the specific project or site.

**Staff Comment:** *The intent statement of the Single-Family Residential District provides residential living in a low-density neighborhood setting, with access to supporting uses such as schools, churches, parks and other public facilities which reinforce residential neighborhoods. This district should be used in the contemporary neighborhoods of the residential area plans, or in association with the planned zoning process or other complementary residential zoning districts to implement development patterns identified in the new growth areas.*

*The Two-Family Residential District provides residential living in a moderate-density residential setting, providing a mix of housing options at strategic locations in relation to complementary uses that support strong residential neighborhoods.*

*The project provides for both Single-Family R-1 and Two-Family R-2 Planned Districts though the proposal utilizes the Detached House – Suburban and Detached House – Neighborhood Building Types which are both single-family type structures. The project benefits from the flexibility of the standards paired with a large amount of open space area. The overall project density is consistent with low-density development.*

4. The plan reflects generally accepted and sound planning and urban design principles with respect to applying the Comprehensive Plan and any specific plans to the area;

**Staff Comment:** *The plan reflects generally accepted planning and urban design principles by preserving and protecting stream areas and utilizing the utility easements that are undevelopable to provide pedestrian trails and connectivity throughout the development.*

5. The plan meets all of the review criteria for a zoning map amendment.

**Staff Comment:** *The plan generally meets the review criteria for a zoning map amendment.*

## **STAFF ANALYSIS – INFRASTRUCTURE / OTHER**

**ELECTRIC** – Electric is currently installed both to the north and south of the subject property and is to be extended into the project from there.

**SANITARY SEWER** – The subject property is within the Gardner sanitary sewer service area. Sanitary sewer service will be extended throughout the subdivision by a gravity system.

**Staff Comment:** *Electrical, water, or sanitary sewer infrastructure are adjacent to the site, the developer will be required to extend the services to all lots. City Electric is working on getting power transferred over from Evergy.*

### **STORM WATER**

The Stormwater Management Plan has not been revised based on the request of the Public Works Department. This will be a condition of approval.

### **ROADWAY NETWORK; VEHICULAR ACCESS; SIDEWALKS**

Internal road networks within the subject property will connect to 167<sup>th</sup> Street to the north and with Madison Street to the south, and a total of three stub streets to the east and west.

### **ACTIONS**

Per Section 17.03.010 (G) of the *Gardner Land Development Code*, a review body may take the following actions (or recommend the following actions):

1. Approve the application.
2. Approve the application with conditions or modifications to lessen or mitigate a potential impact from the proposed application.
3. Deny the application.
4. Continue the application to allow further analysis. The continued application shall not be more than 60 days from the original review without consent of the applicant. No application shall be continued more than once by each review body without consent of the applicant.

### **EFFECT OF DECISION**

Zoning Map Amendment (Rezoning) – Amendments to the official zoning map (rezoning) shall be approved by the Governing Body in the form of an ordinance. Approved changes shall be indicated on the official zoning map by the Director within 30 days following such action.

Preliminary Development Plan – Approval of a preliminary development plan shall constitute acceptance of the overall planning concepts and development parameters. In reviewing and approving a preliminary development plan, the Planning Commission may recommend or the Governing Body may require conditions that must be met before an applicant submits a final development plan. An approved preliminary development plan shall lapse and be of no further force and effect if a final development plan (or a final development plan for a designated phase of the preliminary development plan) has not been approved within two years of the date of approval of the preliminary development plan.

### **ATTACHMENTS**

- I. Rezoning Application
- II. Public hearing mailed notice letters
- III. Preliminary Development Plan

### **RECOMMENDATION**

Staff recommends approval of the rezoning and associated preliminary development plan with motion below.

**Recommended Motion:**

After review of applications Z-21-04 and PDP-21-02, a rezoning from RUR (Rural, Agricultural uses and single family dwellings District) to RP-2 (Planned Two Family Residential District) and associated preliminary development plan dated June 7, 2021, and staff report dated July 26, 2021, for Cypress Creek, Tax Id 2F221423-1001, located between 167<sup>th</sup> Street and Madison Road just north of Gardner Edgerton High School, the Planning Commission recommends the Governing Body approve the applications subject to the following conditions:

1. Approval of a transportation impact study and stormwater management plan by the City of Gardner Public Works Department;
2. Dedication of a 30' wide trail easement on the final plat to the City of Gardner that corresponds to the City of Gardner Parks Master Plans; and
3. Revise the landscape plan to promote diverse tree plantings.



---

PROJECT NUMBER / TITLE: PP-21-04 for Cypress Creek Subdivision

---

**PROCESS INFORMATION**

**Type of Request:** Preliminary Plat

**Date Received:** June 7, 2021

**APPLICATION INFORMATION**

**Applicant:** Harold Phelps, Phelps Engineering, Inc.

**Owner:** Beverly Burgdorfer Revocable Trust

**Parcel ID:** 2F221423-1001

**Location:** The East 100 acres of the Northwest Quarter of Section 23, Township 14, Range 22; containing approximately 98.59 acres between 167<sup>th</sup> Street and Madison Road just north of Gardner Edgerton High School.

**REQUESTED ACTION**

The applicant is requesting approval of a preliminary plat for Cypress Creek, a single-family subdivision containing approximately 98.59 acres.

**EXISTING ZONING AND LAND USE**

Currently the property is zoned RUR (Single-Family Residential) District and is undeveloped agricultural land.

**SURROUNDING ZONING AND LAND USE**

Zoning	Use(s)
<b>North of subject property</b>	
A (Agricultural) District	Vacant property
<b>East of subject property</b>	
R-1 (Residential) District	Single-Family Residential
<b>South of subject property</b>	
R-1 (Single-Family Residential) District	Gardner Edgerton High School
<b>West of subject property</b>	
R-1 (Residential) District	Single Family Residential

**EXISTING CONDITIONS**

Currently the subject property is vacant agricultural land. The property is bound on the north by 167<sup>th</sup> Street and on the south by Madison Street. Properties located directly to the east and west are single-family subdivisions.

The site for the proposed development was annexed into the City of Gardner on June 22 2021 (Ordinance No. 2708). Currently, the property is not in use. At the time the property was annexed into the City, it had a County zoning designation as RUR (Rural, Agricultural uses and Single-Family dwellings).

The *City of Gardner 2014 Comprehensive Plan* identifies this parcel for low-density residential future land use, described as “areas primarily consist of detached single-family homes, but may also include duplexes or triplexes arranged in a low density format on larger lots, with buildings in character with typical single-family homes. These “New Residential Growth Areas” include undeveloped land that provides a “clean slate” for future residential development. The Comprehensive Plan addresses these growth areas as having three major components that help to ensure the community’s goals of providing high quality neighborhoods that satisfy demand for a broad type of housing. These goals are; neighborhood character, connectivity, open space

preservation, and conservation design. The design and layout the applicant is proposing is consistent with the goals of the Comprehensive Plan.

## **STAFF ANALYSIS - PRELIMINARY PLAT**

### **17.03.020 (D1) Review Criteria:**

1. The application is in accordance with the Comprehensive Plan and in particular the physical patterns, arrangement of streets, blocks, lots and open spaces, and public realm investments that reflect the principles and concepts of the plan.

**Staff Comment:** *The application is in accordance with the Comprehensive Plan with regard to the physical patterns, arrangement of streets, blocks, lots and open spaces, and public realm investments that reflect the principles of the plan. The applicant is proposing a preliminary plat for 289 lots and 8 tracts, with a linear park/trail, and right-of-way dedication on approximately 98.59 acres. Properties directly adjacent to the development are primarily single-family residential. The Comprehensive Plan also calls for plans in the "New Residential Growth" areas to implement a sidewalk/trail infill program that includes pedestrian through-access, connecting residential subdivisions through footpaths and trails. This subdivision will provide cross connectivity with the Madison Reserve and Fountain Gate neighborhoods to the east and west.*

2. Compliance with the requirements of this Land Development Code, and in particular the blocks and lots proposed are capable of meeting all development and site design standards under the existing or proposed zoning.

**Staff Comment:** *The plat meets the site design standards regarding lot size minimum, block length, cul-de-sac length, and easements. The plan complies with the requirements of the Gardner Land Development Code in that the blocks and lots proposed can meet all development and site design standards. The development is proposed to be a Detached House - Neighborhood building type for single-family residential with a Suburban Yard frontage design type.*

3. Any phasing proposed in the application is clearly indicated and demonstrates a logical and coordinated approach to development, including coordination with existing and potential development on adjacent property.

**Staff Comment:** *The developer has not proposed a phasing plan.*

4. Any impacts identified by specific studies or technical reports, including a preliminary review of storm water, are mitigated with generally accepted and sound planning, engineering, and urban design solutions that reflect long-term solutions and sound fiscal investments.

**Staff Comment:** *The Stormwater Plans and Transportation Impact study have not yet been approved. This will be a condition of approval.*

5. The application does not deter any existing or future development on adjacent property from meeting the goals and policies of the Comprehensive Plan.

**Staff Comment:** *This plat application will not deter any existing or future development on adjacent property. The adjacent property is mainly developed with single-family residential which is what is planned for this property and is consistent with the comprehensive plan.*

6. The design does not impede the construction of anticipated or planned future public infrastructure within the area.

**Staff Comment:** *This application does not impede the construction of planned or future public infrastructure. This project will connect stub street to adjacent subdivisions and will provide ample pedestrian access to the incomplete streets in the area and provide more options for people to access 167<sup>th</sup> and Madison Street.*

7. The recommendations of professional staff, or any other public entity asked to officially review the plat.

**Staff Comment:** *Staff recommends approval of the preliminary plat of Cypress Creek with conditions outlined below.*

### **STAFF ANALYSIS – INFRASTRUCTURE / OTHER**

**ELECTRIC** – Electric is currently along all sides of this site.

**SANITARY SEWER** – The subject property is within the Gardner sanitary sewer service area. Sanitary sewer service will be extended throughout the subdivision by a gravity system.

**Staff Comment:** *Electrical, water, or sanitary sewer infrastructure are adjacent to the site, the developer will be required to extend the services to all lots. City Electric is working on getting power transferred over from Evergy.*

### **STORM WATER**

The Stormwater Management Plan has not been revised based on the request of the Public Works Department. This will be a condition of approval.

### **ROADWAY NETWORK; VEHICULAR ACCESS; SIDEWALKS**

Internal road networks within the subject property will connect to 167<sup>th</sup> Street to the north and with Madison Street to the south, and a total of three stub streets to the east and west.

### **ACTIONS**

Per Section 17.03.010 (G) of the *Gardner Land Development Code*, a review body may take the following actions (or recommend the following actions):

1. Approve the application.
2. Approve the application with conditions or modifications to lessen or mitigate a potential impact from the proposed application.
3. Deny the application.
4. Continue the application to allow further analysis. The continued application shall not be more than 60 days from the original review without consent of the applicant. No application shall be continued more than once by each review body without consent of the applicant.

### **EFFECT OF DECISION**

Preliminary Plat – The approval of the preliminary plat does not constitute an acceptance of the subdivision, but authorizes preparation of the final plat. If the Planning Commission tables a plat, the applicant shall have 60 days to submit information sufficient for approval or the application shall be deemed denied. The applicant may request that a denied preliminary plat be submitted to the Governing Body and the Planning Commission shall submit all information to the Governing Body, which can make a determination consistent with these regulations. The approval of the preliminary plat shall be effective for 18 months, except that any approval of a final plat for any phase specifically indicated on a preliminary plat shall renew the 18-month period. The Planning Commission may grant an extension of this period for up to one year, if the applicant demonstrates substantial progress towards the design and engineering requirements necessary to submit a final plat.

### **ATTACHMENTS**

- I. Preliminary Plat
- II. Application

### **RECOMMENDATION**

Staff recommends approval of the preliminary plat for Cypress Creek with the conditions outlined below in the recommended motion section.

#### **Recommended Motion:**

After review of case PP-21-04, a preliminary plat for Cypress Creek, Tax Id 2F221423-1001, The East 100 acres of the Northwest Quarter of Section 23, Township 14, Range 22 between 167<sup>th</sup> Street and Madison Road just north of Gardner Edgerton High School, and preliminary plat dated June 7, and staff report dated July 26, 2021, the Planning Commission approves the application as proposed, provided the following conditions are met:

1. Approval of rezoning Z-21-04 and preliminary development plan PDP-21-02 for Cypress Creek
2. Approval of a Stormwater Management Plan and Traffic Impact Study by the Public Works Department.
3. On the final plat, provide a 30' wide trail easement that corresponds to the City of Gardner Parks Master Plan shall be dedicated to the City of Gardner.